

ORDINANCE NO. 2015-001

AN ORDINANCE OF THE BELMONT FIRE PROTECTION DISTRICT REGULATING INSPECTIONS FOR FIRE AND PANIC SAFETY

WHEREAS, Health and Safety Code Section 13146(a) establishes responsibility for enforcing building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in California Building Standards Code Part 2, Section 310.5, and requires a city with jurisdiction in the area affected by the standard or regulation to delegate enforcement to either the chief of the fire authority of the city or the city building official; and,

WHEREAS, the City of Belmont has delegated enforcement authority related to fire and panic safety and other regulations of the State Fire Marshall to the chief of the Belmont Fire Protection District under Health and Safety Code Section 13146(a) and Section 13869.7(h)(1); and,

WHEREAS, the chief of the Belmont Fire Protection District is authorized to enforce fire and panic safety and other regulations of the State Fire Marshall within the jurisdiction of the District under Health and Safety Code Section 13146; and,

WHEREAS, the chief of the Belmont Fire Protection District is authorized and has the right to enter any building or premises not used for dwelling purposes at any reasonable hour for the purpose of enforcing the building standards and other regulations of the State Fire Marshall under Health and Safety Code Section 13109 and District Ordinance 2013-001, Section 16(h) and (i); and,

WHEREAS, the owner, lessee, manager or operator of any such building or premises must permit the chief of the Belmont Fire Protection District and his or her authorized representatives to enter and inspect the building or premises under Health and Safety Code Section 13109; and,

WHEREAS, under Health and Safety Code Section 13869.7(h)(2), fees charged by the Fire Protection District in the enforcement of the building standards and other regulations of the State Fire Marshall may not exceed the estimated reasonable cost of providing the service for which the fee is charged in accordance with Government Code Section 66014; and

WHEREAS, the chief of the Belmont Fire Protection District periodically inspects certain occupancies as mandated by state law; and,

WHEREAS, a program within the jurisdiction of the Belmont Fire Protection District to periodically inspect occupancies other than dwellings and as mandated by state law will enhance fire and panic safety;

NOW THEREFORE, the Board Of Directors of the Belmont Fire Protection District does ordain as follows:

SECTION 1. INSPECTION PROGRAM

- (a) The District Manager is authorized to implement a periodic inspection program in

accordance with Health and Safety Code Section 13109 to inspect all occupancies other than dwellings and occupancies that must be inspected by state law.

(b) The District Manager shall charge and collect fees for such inspections in the amounts established by the City Council in accordance with Government Code Section 66014. Except for re-inspections and inspections based on probable cause that a violation may exist, the District Manager shall not charge an inspection fee more frequently than once a year.

(c) The inspection fees shall be paid by the owner, lessee, manager or operator of the inspected building or premises.

SECTION 2. CEQA.

The Board finds, under Title 14 of the California Ordinance of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect and be enforced 30 days after its adoption.

SECTION 4. PUBLICATION AND POSTING

The Board Secretary has caused to be published a summary of this ordinance, prepared by the Board Attorney under Government Code Section 25124, subdivision (b), once, in a newspaper of general circulation printed and published in San Mateo County and circulated in the City of Belmont, at least five days before the date of adoption. A certified copy of the full text of the ordinance was posted in the office of the Board Secretary since at least five days before this date of adoption. Within 15 days after adoption of this ordinance, the Board Secretary shall cause the summary of this ordinance to be published again with the names of those Board members voting for and against the ordinance; and the Board Secretary shall post in the office of the Board Secretary a certified copy of the full text of this adopted ordinance with the names of those Board members voting for and against the ordinance.

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This ordinance was introduced before the Board of Directors of the Belmont Fire Protection District, a special district located in San Mateo County, California, at the regular meeting of the Board held on April 28, 2015 and finally adopted at a regular meeting of the Board of Directors held on May 12, 2015 by the following vote:

Ayes: Reed, Lieberman, Stone, Braunstein

Noes:

Absent: Wright

Abstain:

ATTEST:




Board Secretary



Board President

APPROVED AS TO FORM:



District Counsel